

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 07-0225 JP/KBM  
CR 06-0944 JP

JUAN GASPAR-PEREZ,

Defendant-Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED  
DISPOSITION**

The Magistrate Judge filed her proposed findings on June 27, 2007, and recommends that the Federal Public Defender be appointed to represent Defendant because his failure to appeal claim is dispositive at this juncture. As is typical in these cases, she also recommended that counsel confer to determine if the matter can be resolved informally. *See Doc. 7.*

The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. The United States did not file objections. Defendant filed an objection requesting the Court to set a date for an evidentiary hearing, which I will overrule. As the Magistrate Judge noted, an

evidentiary hearing will be held if necessary.

Wherefore,

**IT IS HEREBY ORDERED THAT:**

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 7*) is ADOPTED;
2. The Federal Public Defender be appointed to further represent the Defendant in this matter; and
3. Upon entry of appearance, counsel for the Defendant and counsel for the United States confer to ascertain whether the matter can be resolved informally and, if not, inform the Magistrate Judge of appropriate dates for the evidentiary hearing and/or briefing schedule.

  
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SENIOR UNITED STATES DISTRICT JUDGE